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PLEASE RESPOND TO:
Arlington

June 28, 2006
(Filed via ECFS)

Hon. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, **Room TW B-204**
Washington, DC 20554

ATTN: Shaun Maher (Room 2-A820)

Re: MB Docket No 03-15
KGWC-DT (Casper, WY) Facility ID#: 63177
KGWL-DT (Lander, WY) Facility ID#: 63162
KGWR-DT (Rock Springs, WY) Facility ID#: 63170
BEPCDT-20060518ACG (KGWC-DT)
BEPCDT-20030522AGK (KGWL-DT)
BEPCDT-20030522AGE (KGWR-DT)

Dear Sir:

This letter is in response to the Commission's *Public Notice* released June 14, 2006 in MM Docket No. 03-15¹ and is written on behalf of Mark III Media, Inc., the new licensee of television station KGWC-TV (Casper, Wyoming), and two satellite stations: KGWL-TV (Lander, Wyoming) and KGWR-TV (Rock Springs, Wyoming). Mark III is also the permittee of the above referenced digital television stations KGWC-DT (Casper, Wyoming), KGWL-DT (Lander, Wyoming) and KGWR-DT (Rock Springs, Wyoming).

For reasons stated below it is the stations' understanding that a waiver of the Commission's replication/maximization interference protection deadline of July 1, 2006 is not necessary, however, out of an abundance of caution, this letter constitutes not only a status report

¹ *Public Notice: DTV Channel Election Issues – Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline ("Public Notice")*

on the construction of the DTV facilities but a contingent request for waiver of the protection deadline.

Background. Mark III Media became licensee of KGWC, KGWL-TV and KGWR-TV on May 31, 2006, approximately three weeks ago. The previous licensee, Chelsey Broadcasting Company of Casper, LLC sought and received several extensions of times to construct the digital television stations due to the pending change of ownership to Mark III and because of the station's continued financial difficulties under the operation of Chelsey Broadcasting. The Application for Assignment of License to Mark III, granted by the Commission on May 31, 2006 was delayed for several years. The last six-month extension of the KGWC-DT construction permit was granted in the Commission's *Order, FCC 05-67* (released March 15, 2005) at para. 19.

KGWC-DT. In accordance with the aforementioned June 14, 2006 *Public Notice* (p. 3) if a licensee that is subject to the July 1, 2006 interference protection deadline (i.e., commercial stations other than one affiliated with the Top Four Network in markets 1-100) has a construction permit with a pending Application for Extension of Time to construct then it has satisfied the "use-or-lose" requirement and does not need to file a request for waiver.

As of this date there is pending before the Commission the 2006 Applications for Extension of Time to construct KGWC-DT. See BEPCDT-20060518ACG.

Accordingly, in view of the foregoing and pending application for extension of the KGWC-DT construction permit it is the opinion of Mark III Media, Inc. that it has satisfied the conditions of the aforementioned *Public Notice* in order to retain the KGWC-DT station's DTV interference protection

KGWR-DT and KGWL-DT. With respect to the two satellite stations (KGWR-DT and KGWL-DT) the aforementioned *Public Notice* states that satellite licensees are not subject to the July 1, 2006 interference protection deadline and are not required to seek waiver of the deadline in order to retain their DTV interference protection.

Furthermore, The 2003 Applications for Extension of Time to construct the two satellite digital stations (KGWR-DT Rock Springs and KGWL-DT, Lander, Wyoming) remain pending. See, BEPCDT-20030522AGE (KGWR-DT) and BEPCDT-20030522AGK (KGWL-DT).

Accordingly, in view of the foregoing it is the opinion of Mark III Media, Inc. that it has satisfied the conditions of the aforementioned *Public Notice* in order to retain the satellite stations, DTV interference protection.

Contingent Waiver Request and Status Report. Notwithstanding the foregoing, however, and out of an abundance of caution in the event that the stations' interpretation of the *Public Notice* is

not correct it is respectfully requested that the Commission waive the July 1, 2006 interference protection deadline for the reasons stated herein. Since there is pending applications for extension of the digital construction permits, it is appropriate that the new owners provide this status report, as well, as a supplement to the pending applications.

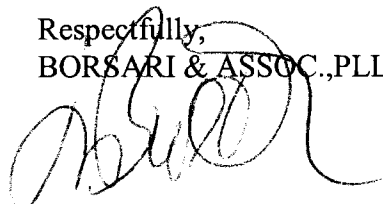
In the pending Application for Additional Time to construct the KGWC-DT digital television facilities, and in the previously granted extensions, the Commission was informed that Mark III has worked diligently with the previous licensee (Chelsey) to develop a build out plan for the stations so that KGWC-DT can begin digital operation from Mark III's proposed new digital site with an existing joint-use broadband antenna promptly following the Commission action on the sale to Mark III (which was consummated May 31, 2006).

In the last three weeks (since Mark III became licensee) it has moved forward to place the DTV station on the air. In that connection, the station was advised that delivery of the DTV transmitter for KGWC-DTV will take approximately 6- 8 weeks. Assuming that the transmitter is not delayed it is expected that DTV operation on KGWC-DT, in Casper, can commence by the end of this year. This construction target date would be within either the construction dates specified in its construction permit (when it is acted upon by the Commission). In any event, it is expected that construction could be completed within six months from July 1, 2006, i.e., by December 31, 2006. Construction of the digital facilities could not be accomplished by the July 1, 2006 deadline for circumstances beyond the control of the current licensee, namely that Mark III did not assume ownership of the stations until May 31, 2006, approximately one month before the replication/maximization July 1, 2006 deadline.

Accordingly, to the extent to which a waiver is required under the *Public Notice* Mark III requests such a waiver. Alternatively, if no waiver is required it is requested that the stations be issued an extension of the construction permits in accordance with the pending applications: BEPCDT-20060518ACG (KGWC-DT), BEPCDT-20030522AGE (KGWR-DT) and BEPCDT-20030522AGK (KGWL-DT)

Should any questions arise with respect to this matter please contact this office, pursuant to Section 1.12 of the Commission's rules.

Respectfully,
BORSARI & ASSOC., PLLC

A handwritten signature in black ink, appearing to read 'John A. Borsari', is written over the typed name and company name.

John A. Borsari

cc: Shaun Maher (Room 2-A820) (Email: shaun.Maher@fcc.gov)